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IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION
I.A. NO. _____ OF 2015
IN
WRIT PETITION (CIVIL) NO. 494 OF 2012

IN THE MATTER OF:

Justice K.S.Puttaswamy (Retd) & Anr. ...Petitioner

-VERSUS-

Union of India & Ors. ...Respondent

Telecom Regulatory Authority of India,
Through its Advisor,
Mahanagar Door Sanchar Bhawan,
Jawaharlal Nehru Marg,
(Old Minto Road),
New Delhi - 02 ...Applicant

APPLICATION FOR IMPLEADMENT

To

The Hon'ble Chief Justice of India
And the Hon'ble Companion Justices of
The Hon'ble Supreme Court of India
The Humble Application of the
Petitioner abovenamed

MOST RESPECTFULLY SHEWETH:

1. The Applicant, Telecom Regulatory Authority of India (TRAI) is a regulatory body for the telecommunication sector in India, constituted under the 'Telecom

Regulatory Authority of India Act, 1997'. As per the said Act, TRAI has been constituted to regulate the telecommunication services, to protect the interest of the service providers and consumers of the telecom sector, to promote and ensure orderly growth of the telecom sector and for matters connected therewith or incidental thereto.

2. The Applicant has a statutory obligation to recommend a regulatory regime which will serve the purpose of development, facilitate competition and promote efficiency, while taking due precautions in regard to the safety and security of the State and various other aspects of telecommunication subscriber verification.

(2012) 5 SCC 275

3. The telecom sector has witnessed significant growth in the recent past with wireless tele-density being 78. With about 983 million wireless subscribers, which is constantly growing, the mobile telephony has played an important role, from being a mere communication device, to being an instrument of empowerment.

4. The Applicant as well as the Department of Telecommunication (DoT) has from time to time taken

several steps for strict implementation of subscriber verification guidelines, while issuing Subscriber Identity Module (SIM) cards. The proper verification of the SIM card is necessary to ensure national safety and security.

5. That this Hon'ble Court is considering the validity of the scheme propounded by the Government of India known as "Aadhaar Card Scheme" in WP(c) No. 494/2012 & batch.

6. That by an order dated 11.08.2015 in WP (c) No. 494/2012 & batch, this Hon'ble Court was pleased to direct the matter to be decided by larger bench and in the meanwhile, directed inter-alia as under: -

"The Unique Identification Number or the Aadhaar card will not be used by the respondents for any purpose other than the PDS Scheme and in particular for the purpose of distribution of foodgrains, etc. and cooking fuel, such as kerosene. The Aadhaar card may also be used for the purpose of the LPG Distribution Scheme."

7. The Applicant begs to urge inter-alia the following submissions so far as the Aadhaar Card Scheme is concerned.

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- A. The use of Aadhaar for being treated a valid Proof of Address (PoA)/ Proof of Identity (PoI) obtaining new SIM card connection and is in existence since January 2011, for purpose of obtaining new connection.
- B. At present, the usage of Aadhaar Number of the subscriber is voluntary and has not been made mandatory for the purpose of obtaining new SIM card connection, in terms of the DoT Guidelines dated 29.12.2014.
- C. Aadhaar authentication and e-KYC ensures that the documents submitted by the subscriber cannot be misused. Electronic KYC ensures that the documents cannot be used for any other transaction. The subscriber carries nothing and gives/ leaves nothing.
- D. Biometric based Aadhar e-KYC service of UIDAI is tamper proof online verification method and enables the DoT Enforcement Wing / Law Enforcement Agencies, better and more efficient tracking of unscrupulous elements.

- E. E-KYC verification will not only reduce risk of identity fraud and documents forgery but will also make the entire process of subscriber verification paperless.
- F. Aadhaar based e-KYC method infact leads to building and efficient, secure, robust and reliable system for the verification of the subscribers.
8. The Applicant craves leave to refer to and rely upon the facts and circumstances as stated in the accompanying application for clarification and modification of interim order, which are not being repeated herein for the sake of brevity.
9. That the Applicant Authority has not been made a party in the present Writ Petition. It is submitted that the Applicant is a necessary party and should be given an opportunity of being heard. It is submitted that serious prejudice will be caused to the Applicant Authority if it is not impleaded in the matter as a party Respondent.

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PRAYER

It is therefore respectfully prayed that this Hon'ble
Court be pleased: -

(a) to allow the Applicant, Telecom
Regulatory Authority of India to be
impleaded as a party respondent in the
present petition being WP (c) No.
494/2012; and/ or

(b) to pass any such further order as may
deem fit in the facts and circumstances of
the case.

AND FOR THIS ACT OF KINDNESS THE APPLICANT SHALL AS IN
DUTY BOUND EVER PRAY

(SANJAY KAPUR)
Advocate for the Applicant.

Dated: 01.10.2015

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IN THE SUPREME COURT OF INDIA
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I.A. NO. _____ OF 2015
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IN THE MATTER OF:

Justice K.S.Puttaswamy (Retd) & Anr. ...Petitioner

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Union of India & Ors. ...Respondent

Telecom Regulatory Authority of India,
Through its Advisor,
Mahanagar Door Sanchar Bhawan,
Jawaharlal Nehru Marg,
(Old Minto Road),
New Delhi - 02 ...Applicant

APPLICATION FOR CLARIFICATION/ MODIFICATION OF
THE INTERIM ORDER DATED 11.08.2015 PASSED BY THIS
HON'BLE COURT IN WP (C) NO. 494/2012

To

The Hon'ble Chief Justice of India
And the Hon'ble Companion Justices of
The Hon'ble Supreme Court of India
The Humble Application of the
Petitioner abovenamed

MOST RESPECTFULLY SHEWETH:

1. The Applicant, Telecom Regulatory Authority of India (TRAI) is a regulatory body for the telecommunication

sector in India, constituted under the 'Telecom Regulatory Authority of India Act, 1997'. As per the said Act, TRAI has been constituted to regulate the telecommunication services, to protect the interest of the service providers and consumers of the telecom sector, to promote and ensure orderly growth of the telecom sector and for matters connected therewith or incidental thereto.

2. The Applicant is filing the present Application for clarification/ modification of interim order dated 11.08.2015 passed by this Hon'ble Court in WP(c) No. 494/2012. Copy of the said order is annexed as ANNEXURE A-1.
3. The telecom sector has witnessed significant growth in the recent past with wireless tele-density being 78. With about 983 million wireless subscribers, which is constantly growing, the mobile telephony has played an important role, from being a mere communication device, to being an instrument of empowerment.
4. The Department of Telecommunication (DoT) has from time to time taken several steps for strict implementation of subscriber verification guidelines,

while issuing Subscriber Identity Module (SIM) cards. The proper verification of the SIM card is necessary to ensure national safety and security.

II. THE MOBILE ACTIVATION PROCESS

5. As per the process laid down by the DoT, a person applying for a new telephone connection is required to fill a Customer Application Form (CAF) alongwith proof of identity and proof of address.
6. The security considerations regarding usage of mobile telephone by anti social elements has put considerable pressure on all concerned to ensure verification of customers. The operators are also subjected to sample verification of CAFs Telecom Enforcement, Resource and Monitoring (TERM) cell of DoT.
7. It was felt that inspite of regular verification, there is need to revisit the guidelines on the current activation process keeping in view :
 - a. There is difficulty in establishing authenticity/ genuineness of Proof of Address (PoA)/ Proof of Identity (PoI) Documents submitted by customer;
 - b. There is no mechanism for online verification to authenticate the documents submitted as PoI/

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PoA. Many instances have been reported regarding use of forged PoI/ PoA documents submitted by the subscriber at point of sale;

- c. Photocopies of same documents have been used to obtain multiple connections in the name of one or more persons;
- d. There are chances of erroneous feeding of information in CAF due to manual feeding of data at point of sale (PoS);

In short, the subscriber verification method cannot be said to be fully secured and robust.

III. STEPS TAKEN FROM TIME TO TIME: -

- 8. The DoT on 14.01.2011 issued instructions to all service providers on the use of AADHAR, the Unique Identification Number issued by Unique Identification Development Authority of India (UIDAI) - which should be treated as valid PoI and PoA for the purpose of obtaining new connection. A copy of the said letter is annexed hereto and marked as ANNEXURE A-2.
- 9. A Public Interest Litigation was filed before this Hon'ble Court against DoT and Applicant TRAI contending, inter-alia, that SIM cards are provided without proper verification, which causes serious security threat as well as encourages malpractices in

the telecom sector. The averment was that such unverified SIM cards are also being used, in terrorist attacks. By its judgment dated 27.04.2012, this Hon'ble Court directed constitution of the Joint expert Committee, consisting of two experts from TRAI and two experts from DoT, to be chaired by the Secretary - to discuss and make recommendations so as to enable the DoT to issue composite instructions, in this regard (2012) 5 SCC 275

10. In terms of the aforesaid judgment, the DoT constituted a committee and based on its recommendations issued composite instructions on 09.08.2012 to all service providers - copy annexed as ANNEXURE A-3.
11. In order to understand the e-KYC process of UIDAI, the DoT on 08.12.2014, issued instructions for the purpose of carrying out Proof of Concept (PoC) for use of AADHAAR. In the e-KYC service, the customer authorizes UIDAI through biometric based Aadhaar authentication to provide his/ her demographic data alongwith photograph (digitally signed and encrypted format) to telecom service providers. A detailed procedure for carrying out Proof of Concept was laid

down by the DoT. Copy of the said instructions dated 08.12.2014 is annexed hereto and marked as ANNEXURE A-4.

12. That on 29.12.2014, it was clarified by DoT "Wherever Aadhaar Number is not available, it shall be mentioned as "not available". Copy of the said instructions are annexed hereto and marked as ANNEXURE A-5.

13. That on 11.05.2015, a representation was made by the Apex Advisory Council For Telecom in India, which is a joint telecom industry initiative, stating inter-alia: -

"As you are aware, the POC has been carried out by nominated operators in selected cities. We would like to report back to you the findings of the POC which are most encouraging and indicate that this e-KYC process is beneficial to all the stakeholders and will be a major step forward.

XXX

XXX

During the POC period in different cities, there was a very high success rate of transactions approx. 88.4%.

XXX

XXX

The response time from UIDAI servers to get back the KYC details of the subscriber was very quick. There were no glitches observed during the transactions, which shows that UIDAI server is very robust.

xxx

xxx

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The subscriber verification process significantly improved with Aadhaar based online biometric authentication helping ensure traceability and thus meets the requirement of national security.

xxx

xxx

Paperless process will obviate the need for photocopied documents and thus curbing misuse of photocopied proof.

xxx

xxx

Since the required documents are electronically generated, enabled and stored it will allow instant access and visibility and this would enable faster tracking of required subscribers."

In the end, it was requested to implement the use of Aadhaar e-KYC service of UIDAI for issuing mobile connection to subscribers on permanent basis with immediate effect. Copy of the said letter is annexed hereto and marked as ANNEXURE A-6.

14. The aforesaid request was once again reiterated by the telecom industry vide letter dated 04.09.2015 - copy annexed hereto and marked as ANNEXURE A-7.

IV. SUBMISSIONS OF THE APPLICANT, TRAI

- A. The use of Aadhaar for being treated a valid PoI and PoA is in existence since January, 2011 for purpose of obtaining new connection.

- B. At present, the usage of Aadhaar Number of the subscriber is voluntary and has not been made mandatory for the purpose of obtaining new connection, in terms of the DoT Guidelines dated 29.12.2014.
- C. Aadhaar authentication and e-KYC ensures that the documents submitted by the subscriber cannot be misused. Electronic KYC ensures that the documents cannot be used for any other transaction. The subscriber carries nothing and give/ leave nothing.
- D. Biometric based Aadhar e-KYC service of UIDAI is tamper proof online verification method and enables the DoT Enforcement Wing / Law Enforcement Agencies, better and more efficient tracking of unscrupulous elements.
- E. E-KYC verification will not only reduce risk of identity fraud and documents forgery but will also make the entire process of subscriber verification paperless.

F. Aadhaar based e-KYC method infact leads to building and efficient, secure, robust and reliable system for the verification of the subscribers.

15. That by an Order dated 11.08.2015 in WP (c) No. 494/2012 & batch, this Hon'ble Court was pleased to direct the matter to be decided by the larger bench and in the meanwhile, directed inter-alia as under: -

"The Unique Identification Number or the Aadhaar card will not be used by the respondents for any purpose other than the PDS Scheme and in particular for the purpose of distribution of foodgrains, etc. and cooking fuel, such as kerosene. The Aadhaar card may also be used for the purpose of the LPG Distribution Scheme."

16. The Applicant has a statutory obligation to recommend a regulatory regime which will serve the purpose of development, facilitate competition and promote efficiency, while taking due precautions in regard to the safety and security of the State and various other aspects of subscriber verification.

17. In view of the fact that for the purpose of getting a new connection, Aadhaar Number is not compulsorily required but is one of the mode of PoI/ PoA, the same

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should be allowed to be used not only for the PDS scheme or the LPG distribution scheme, but even for obtaining a new SIM card connection, in this entirely consensual process while obtaining activations of telephone connections.

PRAYER

In the premises, it is respectfully prayed that this Hon'ble Court be pleased to: -

(a) modify/ clarify its interim order dated 11.08.2015 passed in WP (c) No. 494/2012 to permit Aadhaar based biometric e-KYC for paperless activation of telephone connections/ SIM cards, as an alternative process to the existing process of verification of telecom subscribers, till the disposal of the present Writ Petition; and

(b) pass such other and further order as this Hon'ble Court may deem fit and proper.

(SANJAY KAPUR)
Advocate for the Applicant/ TRAI

Dated: 01.10.2015

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Annexure-A-1

REPORTABLE
IN THE SUPREME COURT OF INDIA
CIVIL ORIGINAL JURISDICTION
WRIT PETITION (CIVIL) NO.494 OF 2012

Justice K.S. Puttaswamy (Retd.) & Another ... Petitioners

Versus

Union of India & Others ... Respondents

WITH

TRANSFERRED CASE (CIVIL) NO.151 OF 2013

TRANSFERRED CASE (CIVIL) NO.152 OF 2013

WRIT PETITION (CIVIL) NO.829 OF 2013

WRIT PETITION (CIVIL) NO.833 OF 2013

WRIT PETITION (CIVIL) NO.932 OF 2013

TRANSFER PETITION (CIVIL) NO.312 OF 2014

TRANSFER PETITION (CIVIL) NO.313 OF 2014

WRIT PETITION (CIVIL) NO.37 OF 2015

WRIT PETITION (CIVIL) NO.220 OF 2015

TRANSFER PETITION (CIVIL) NO.921 OF 2015

CONTEMPT PETITION (CIVIL) NO.144 OF 2014 IN WP(C) 494/2012

CONTEMPT PETITION (CIVIL) NO.470 OF 2015 IN WP(C) 494/2012

INTERIM ORDER

After the matter was referred for decision by a larger Bench, the learned counsel for the petitioners prayed for further interim orders. The last interim order in force is the order of this Court dated 23.9.2013 which reads as follows:-

“....

All the matters require to be heard finally. List all matters for final hearing after the Constitution Bench is over.

In the meanwhile, no person should suffer for not getting the Aadhaar card inspite of the fact that some authority had issued a circular making it mandatory and when any person applies to get the Aadhaar card voluntarily, it may be checked whether that person is entitled for it under the law and it should not be given to any illegal immigrant."

It was submitted by Shri Shyam Divan, learned counsel for the petitioners that the petitioners having pointed out a serious breach of privacy in their submissions, preceding the reference, this Court may grant an injunction restraining the authorities from proceeding further in the matter of obtaining biometrics etc. for an Aadhaar card. Shri Shyam Divan submitted that the biometric information of an individual can be circulated to other authorities or corporate bodies which, in turn can be used by them for commercial exploitation and, therefore, must be stopped.

The learned Attorney General pointed out, on the other hand, that this Court has at no point of time, even while making the interim order dated 23.9.2013 granted an injunction restraining the Unique Identification Authority of India from going ahead and obtaining biometric or other information from a citizen for the purpose of a Unique Identification Number, better known as "Aadhaar card". It was further submitted that the respondents have gone ahead with the project and have issued Aadhaar cards to

about 90% of the population. Also that a large amount of money has been spent by the Union Government on this project for issuing Aadhaar cards and that in the circumstances, none of the well-known considerations for grant of injunction are in favour of the petitioners.

The learned Attorney General stated that the respondents do not share any personal information of an Aadhaar card holder through biometrics or otherwise with any other person or authority. This statement allays the apprehension for now, that there is a widespread breach of privacy of those to whom an Aadhaar card has been issued. It was further contended on behalf of the petitioners that there still is breach of privacy. This is a matter which need not be gone into further at this stage.

The learned Attorney General has further submitted that the Aadhaar card is of great benefit since it ensures an effective implementation of several social benefit schemes of the Government like MGNREGA, the distribution of food, ration and kerosene through PDS system and grant of subsidies in the distribution of LPG. It was, therefore, submitted that restraining the respondents from issuing further Aadhaar cards or fully utilising the existing Aadhaar cards for the social schemes of the Government should be allowed.

The learned Attorney General further stated that the

respondent Union of India would ensure that Aadhaar cards would only be issued on a consensual basis after informing the public at large about the fact that the preparation of Aadhaar card involving the parting of biometric information of the individual, which shall however not be used for any purpose other than a social benefit schemes.

Having considered the matter, we are of the view that the balance of interest would be best served, till the matter is finally decided by a larger Bench if the Union of India or the UIDA proceed in the following manner:-

1. The Union of India shall give wide publicity in the electronic and print media including radio and television networks that it is not mandatory for a citizen to obtain an Aadhaar card;
2. The production of an Aadhaar card will not be condition for obtaining any benefits otherwise due to a citizen;
3. The Unique Identification Number or the Aadhaar card will not be used by the respondents for any purpose other than the PDS Scheme and in particular for the purpose of distribution of foodgrains, etc. and cooking fuel, such as kerosene. The Aadhaar card may also be used for the purpose of the LPG Distribution Scheme;
4. The information about an individual obtained by the Unique

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Identification Authority of India while issuing an Aadhaar card shall not be used for any other purpose, save as above, except as may be directed by a Court for the purpose of criminal investigation.

Ordered accordingly.

.....J.
(J. Chelameswar)

.....J.
(S.A. Bobde)

.....J.
(C. Nagappan)

New Delhi
August 11, 2015

GOVERNMENT OF INDIA
Ministry of Communications & IT
Department of Telecommunications
(Access Services Cell)
Sanchar Bhawan, 20, Ashoka Road,
New Delhi – 110 001

NO. 800-29/2010-VAS

Dated: 14.01.2011

All Basic Service, CMTS, UAS Licensees

**Sub: Use of 'Aadhaar' the Unique Identification Number
issued by Unique Identify Authority of India as Pol/PoA**

Please refer to the instruction No. 842-725/2005-VAS (Pt.) dated 07.10.2009 regarding documents for mobile subscriber verification. In this regard, it has been decided that the 'Aadhaar' the Unique Identification Number issued by Unique Identity Authority of India (UIDAI) shall be treated as valid Proof of Identity (Pol) and Proof of Address (PoA) for purpose of obtaining new connection.

The Aadhaar shall be taken as valid Pol/PoA after details of identity and address are confirmed through Aadhaar authentication procedure. For this purpose detailed guidelines including the activation procedure shall be issued in due course of time. After implementation of the

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Aadhaar authentication procedure it can be used as valid Pol/PoA in J&K, Assam and North East Service areas also.

Till the time of issues of detailed procedure for Aadhaar authentication, the letter issued by UIDAI conveying the name, address and Aadhaar number may be used as Pol/PoA document in addition to documents mentioned in this office letter dated 07.10.2009.

Sd/-
(Vinod Kumar)
Director (AS-II)

Copy to:

1. Secretary, TRAI
2. Director General & Mission Director, UIDAI, New Delhi
3. DDG (Security - TERM), DOT
4. COAI/ AUSPI

(TRUE COPY)

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ANNEXURE A-3

Government of India
Ministry of Communications & IT
Department of Telecommunications
(AS Cell)
Sanchar Bhawan, 20 Ashoka Road, New Delhi - 110 001

File No. 800-09/2010-VAS

Dated: 9th August, 2012

All CMTS /UAS Licensee(s)

**Subject: Instructions on Verification of New Mobile
Subscribers (Pre-paid & Postpaid)**

As per the directions contained in the judgment and order dated 27.04.2012 rendered by the Hon'ble Supreme Court of India in WP I No. 285/2010, a joint expert committee was constituted in the DoT. After taking into consideration the recommendations made by the Committee, the instructions have been finalized and the same are being issued through this letter.

This has reference to the CMTS/ UAS License condition which inter alia provides that "The LICENSEE shall ensure adequate verification of each and every customer before enrolling him as a subscriber, instructions issued by the

licensor in this regard from time to time shall be scrupulously followed."

2. It has been decided that instructions in respect of verification of subscribers mentioned herein shall be strictly followed by the Service Providers. These instructions shall be in suppression of the following instructions issued on the subject and shall be effective three months from the date of issue unless otherwise mentioned in the letter:

- (i) No. 1-34/2009-SI dated 08.02.2010
- (ii) No. 842-725/2005/157 dated 23.03.2009
- (iii) No. 800-4/2003-VAS (Vol. II) /104 dated 22.11.2006
- (iv) No. 800-4/2003-VAS/112 dated 10.05.2005
- (v) No. 842-488/2004-VAS/2 dated 30.11.2004
- (vi) No. 800-4/2002-VAS/101 dated 26.04.2004

3. **Activation of new mobile connection:**

- (i) A passport size photograph of the subscriber should be pasted on the customer Acquisition Form (CAF) and the documents as proof of identity (PoI) and proof of address (PoA) of the subscriber shall be attached with the CAF, as per the instructions applicable from time to time. The person at the point of Sale (PoS) shall get the CAF duly filled and signed

(CAF, Photo & documents attached) by the subscriber with date. In case of illiterate person, the CAF may be filled by a person at the point of sale but the thumb impression of the subscriber may be taken on CAF, Photo & documents attached. A unique number should be assigned to every CAF on receipt of the same in the warehouse and in case before activation of SIM.

- (ii) The subscriber shall be provided a counterfoil / receipt of the details of the Pol & PoA clearly mentioning the name of subscriber, Mobile Number applied for, CAF number, type of Pol/ PoA, issuing authority, date of issue and serial number of Pol/ PoA document duly signed with stamp of PoS.
- (iii) The authorized person at the PoS shall record in the CAF that he has seen the subscriber and matched the photograph attached on the CAF with the subscriber and verified his copies of documents of proof of address and proof of identity attached with the CAF with the original and shall put his signature on the CAF & all attached documents (along with full name &

stamp containing address). For this purpose sufficient space should be provided in the CAF.

- (iv) The mobile connections shall be activated only after the requirement of filling up of customer acquisition form and copies of documentary proof as per requirement have been fulfilled by the customer and the subscriber details have been updated in the subscriber database of the licensee, for this purpose, the licensee (the employee of Licensee) shall verify and record on the CAF under his name, designation and signature that all the documentary requirement has been completed and subscriber details are updated in the database of Licensee. Only after this activity has been done the SIM card can be activated. For this purpose sufficient space should be provided in the CAF.
- (v) The date of sale of SIM and date of Activation of SIM is required to be established from the entries in the CAF. For this purpose, entry of date is to be made with the signature of subscriber (at the time of filling CAF), Signature of PoS (at the time of verifying the subscriber

and documents) and signature of Licensee (at the time of verification before activation) in the CAF.

- (vi) After the activation of SIM, the subscriber shall be at least tele-verified. It may be ensured that while making the calls for tele-verification, details may be asked from the subscriber and verified against the details provided in the database. It may also be ensured that unless tele-verified, the subscriber is not able to make any type of call, except to the operator. The incoming call will remain barred before tele - verification.
- (vii) Pre-activated SIM Card is not to be sold. In case of sale of pre-activated SIM cards a penalty of Rs. 50,000/- per such connection shall be levied in addition to immediate disconnection of mobile connection, as and when detected. Pre-activated connection means that the SIM card available at point of sale or in possession of any other person is in such a condition that it is possible to make / receive calls / SMS without activation as per procedure mentioned in para (iv) above. Further, in case it is established that the date of activation of SIM Card is

prior to actual sale of SIM Card, then it shall be treated as a sale of pre-active connection. Also, if for the CAF Audit / investigation, the CAF is not supplied to TERM Cell within given time frame (missing CAF cases in CAF Audit), the connection shall be treated as pre-activated.

- (viii) The Licensee shall ensure that the information about the subscribers are correctly filled in the subscriber database. There shall not be any typing mistake in the subscriber database such that the error leads to any person or address other than the intended person or address or else it shall be treated as failed subscriber verification case for the purpose of CAF Audit and specified penalty as per existing instructions shall be levied. The Licensee shall ensure immediate correction of entry in the database once such error is detected. However, typing error in case of translating the name or address from any regional language or Hindi to English shall be considered to the extent it leads to the same person or premise.

- (ix) In case of change of existing mobile connection from pre-paid to postpaid and vice versa also, the above instructions from 3 (i) to 3 (viii) shall apply.
- (x) The sample copy of a typical CAF to be used showing the mandatory fields in (asterisk) in enclosed as Annexure-I.

4. **Additional Guidelines for issue of Mobile Connection to Foreigner / Short time mobile connection**

- (i) In case of foreign tourists visiting India, the copy of Passport with valid Visa stamp shall be treated as proof of identity. For proof of address, the address of local reference which may also be the tour operator shall be taken. In case, there is no local reference, the address of stay (hotel etc.) shall be taken.
- (ii) Any mobile, connection issued to a Foreigner should not have validity beyond the validity of the Visa. In case of foreign the validity of connection should not be beyond the Visa period and also not exceeding 3 months at a time even if the validity of the Visa is beyond 3 months.

- (iii) The connection issued to the personnel deployed on ships while at sea shore, shall have validity only till the date they have the permit to stay at the port.
- (iv) List of such connections shall be provided every month to DoT/TERM Cell separately while submitting monthly database to DoT/ TERM Cell.

5. **Outstation Customers**

- (i) Applications for mobile phone connections from within the licensed service area or the state / UT concerned, whichever is more encompassing shall not be treated as outstation customers. For local reference of outstation customer, the name, address and contact phone number of local referee shall be obtained from the outstation customer, apart from the PIA.
- (ii) The local reference shall be verified telephonically at the point of sale before issue of SIM Card and entry made in the CAF along with the name of

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local reference contacted. This will also be cross verified at the time of activation of the connection and the name of local reference with whom the tele-verification has been done shall be recorded in the CAF by the person activating the connection before activating the mobile connection as per para 3 (iv) above. This shall be in addition to the tele-verification of the subscriber after activation as per 3 (vi) above.

6. **Bulk Mobile Connection:**

- (i) Bulk mobile connection means 10 or more than 10 mobile connections issued in a single name to individuals or a company or an organization or at any given address by all the licensed service providers in the service area.
- (ii) Bulk connections shall not be provided in case of individuals.
- (iii) In case of mobile connections to a company / organization, a single CAF duly signed by Authorized Signatory of the company /

organization shall be supplied while applying for mobile connections in bulk. At least one CAF in each service area shall be required to be filled by the Company / Organization in case it wants to take bulk connection across many service areas.

- (iv) The Photo and identity proof of the authorized signatory shall be furnished. The authentication letter for authorized signatory be issued by Company Secretary / Proprietor / Any of the partner as the case may be.
- (v) For the purpose of address proof certificate of incorporation / registration as a company / firm may be taken.
- (vi) In case of Govt. of India undertaking, Govt. of India Offices/ State Govt. offices, the aforesaid requirement of identity and address proof are dispensed and self certification on the letter head will suffice alongwith the name and designation of the coordinating officer.

- (vii) In case of Foreign Missions in India, the name and designation of the authorized officer along with the details of officials for whom the cellular mobile phone is intended.
- (viii) The number of mobile connections used by the Bulk User from other Licensees in that service area shall be declared by the Bulk User at the time of filling the CAF. In addition to declaration of all of his connections by the customers, the licensee should also verify its records the details of existing connections working in the name of the same subscriber before activation of new SIM.
- (ix) The Licensee shall maintain the list of actual users of such mobile connections. In case there is change in the actual user, the same shall be informed by the bulk user Authorized Signatory to the Licensee within a week of such change. The Licensee shall update its database immediately but not later than one week of receiving such information. Record of such changes in actual users shall be kept by the Licensee. The list of users with name and

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designation duly signed with stamp of authorized signatory (on each page of list) shall be maintained by the Licensee. The authorized signatory shall at the end of three months summarize the change of name taken place during the month. In case there is no change, a certificate mentioning no change shall be given to Licensee.

(x) For Bulk mobile connections, physical verification of subscriber shall be mandatory before activation of the Connection. Here the subscriber means the person who has made the application for bulk connections. Additionally, Bulk user premises should be inspected by the service provider at least once in six months for satisfying themselves about bonafide use of such facilities as per License condition.

(xi) The existing Bulk Connections shall be made compliant to above instructions within three months of issue of these instructions or else disconnected. A certificate of compliance shall be submitted to the TERM cell at the end of first two months for the

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connections made compliant. At the end of third month a certificate of numbers made compliant and the numbers disconnected shall be submitted to the TERM Cell.

- (xii) During sample CAF audit if any CAF of bulk case is rejected in PIA (photo, identity proof, address proof) that particular case shall be treated as failed case for that sample CAF Audit and penalty as applicable shall be levied. Other connections which are part of such bulk connection will also be investigated by TERM Cell.

7. **Change in the name of subscriber**

- (i) The change of name of subscriber is not permitted as the SIM Card in user terminal is not transferable. The change in name between the blood relatives / legal heirs is permitted provided new CAF and all the procedure as for registered a new subscriber is followed and new SIM Card is issued. However, after the change in name the connection shall be treated as new connection. In such case, change in address is not permitted. Further, No Objection Certificate

from the original user shall also be taken. In case of death of the original user, death certificate will suffice instead of No Objection Certificate.

8. **Change of Address:**

- (i) All the mobile subscribers either individual or bulk should intimate to their service provider, any change of address within one week of such change alongwith new proof of address. If during re-verification process by the Licensee or Licensor or Security Agencies, it is found that subscriber address is not correct in the database, then the connection may be disconnected forthwith and the subscriber shall be solely responsible of any consequent hardship. The subscriber shall be suitably advised by the Licensee in this regard while booking for new connection. The database of Licensee must be updated at all point of time.

9. **Timely Disconnection:**

- (i) Whenever a CAF/ Connection is found non-compliant for a working mobile connection, either during regular CAF audit or any other investigation

by DoT / Security agencies, either proper CAF should be produced within 72 Hours or else the connection be disconnected.

- (ii) In case it is detected that a mobile connection is working in the name of Foreigner / person with limited stay permit, beyond the validity of Visa/ stay permit, the connection should be disconnected immediately.
- (iii) In all cases of failure to take timely corrective action mentioned above or disconnection, penalty of Rs. 50,000/- shall be levied on each such connection in addition to the applicable penalty on non-compliance during subscriber verification audit.
- (iv) The report of disconnected numbers alongwith the date of disconnection shall be provided to the respective TERM Cell within 7 days of disconnection. In case, the Licensee fails to intimate about the disconnection to TERM Cell within 7 days of disconnection, a penalty of Rs. 3000/- per connection per week or part thereof

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shall be levied from the date of intimation for disconnection to Licensee upto the date of confirmation in addition to any other prescribed penalty levied.

- (v) A number disconnected in compliance of instructions on subscriber verification may be activated at a later date provided it is activated as per procedure for new mobile connection.
- (vi) A number disconnected in compliance of instructions of DoT / TERM Cell, at any stage if it is detected that the number was not actually disconnected on or before the date of confirmation / disconnection as indicated above, then a penalty @ Rs. 1000 per day from the date of intimation to the Licensee to the date of actual disconnection shall be levied in addition to the penalty for non-disconnection.

10. **Lodging Complaint / FIR:**

- (i) TERM Cell shall indicate the apparently forged cases as per their observation in the CAF Audit

giving reasons for prima facie observation to the Licensee and marking them as a failed case for CAF Audit. The Licensee shall investigate such cases at their level and take necessary action as detailed below.

- (ii) In order to deal with the use of forged documents for obtaining mobile connections, complaint / FIR may be lodged with the law enforcement agencies under the law of land. The complaint should clearly mention the information about the mobile number, type of document forged along with the details about the issuing authority, date of issue, reason for suspicion as forged document, name of the person suspected (e.g. name of subscriber / PoS / Franchisee / Licensee).

- (iii) In case where forged documents are submitted by the subscriber and originals are also forged, police complaint / FIR shall be lodged by the PoS/ Franchisee against the subscriber within fifteen days of bringing it to the notice of the Licensee.

- (iv) In case PoS/ Franchisee fails to lodge complaint / FIR as above, Licensee shall lodge FIR/ Complaint against the subscriber and Franchisee /PoS within further three days.
- (v) In case where it is found that the forgery has been done by point of sale, the Licensee shall lodge the compliant / FIR against the Franchisee/ point of sale within one week and financial penalty shall be imposed.
- (vi) In case no action is taken by the Licensee as above or the Licensee itself is involved in forgery, TERM Cell shall lodge Complaint / FIR against Licensee. Penalty shall be imposed on all such forged cases also.
- (vii) In cases where it is found that the act of issuing connections were done by point of sale using the document of some other subscriber or any person without the knowledge of the subscriber or the person, or the documents were forged by the franchisee/ PoS of Licensee, the concerned PoS/

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Franchisee may be terminated by the Licensee under intimation to the Licensor (concerned TERM Cell of DoT) and the designated security agencies, in addition to the actions mentioned above. The same may be intimated to all other Licensee(s) in that Service Area by TERM Cell. The other Licensees after getting any such intimation shall terminate / not appoint any such point of sale.

- (viii) No penalty shall be imposed on the Licensee, if the laid down process of activation / verification applicable at the time of activation has been followed and the forgery is done by the subscriber. In case where activation / verification process is not followed by the Licensee, the penalty shall be imposed even if the documents are found to be forged.

11. Providing of subscriber database, BTS Location, CDR and CAF:

- (i) The subscriber database submitted to the licensor and designated security agencies should contain all the fields mentioned in the Annexure II.

- (ii) In case, CAF of any subscriber is asked by the TERM Cells / designated security Agencies, the original / scan copy of CAF & documents shall be furnished within 1 hour. Subscriber data will be provided in 1 hr. BTS Location shall also be provided within 1 hour but not later than 6 hours. CDRs upto 6 months old shall be provided within 12 hours and CDR more than 6 months old shall be provided within 24 months.
12. Provision of deactivation by SMS / Call Centre / e-mail / website etc. after confirmation, should be in the system if any subscriber wants to get deactivated his mobile number.
13. In case of Test SIMs required by the Licensee for any purpose, the list of such connections / numbers shall be intimated to DoT/ Security agencies along with the duration of such requirement.
14. The terms and condition which affect the condition of subscriber verification and also those which lead to

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disconnection of the connection shall be clearly mentioned on the CAF.

15. The above instructions have been prescribed for ensuring that the connection is issued to bonafide subscriber. However, the responsibility for adequate verification of subscriber in accordance with license condition lies with the licensee. The Licensee may adopt additional safeguards to ensure adequate verification of subscriber without, however, modifying the instructions / procedures outlined in this letter in any manner.
16. The special instructions / safeguards issued from time to time regarding mobile services in J & K, Assam and North East Service shall continue to remain valid.

Sd/-
(A.K. Tirkey)
Asst. Director General (AS-II)

Copy to:

1. DDG (Security - TERM), DoT,
2. All DDGs TERM
3. DDG (LF-I) / DDG (A/C), DOT,
4. All CCAs
5. Director (AS-III) / Director (AS-IV) / DoT
6. COAI / AUSPI

(TRUE COPY)

**Government of India
Ministry of Communications & IT
Department of Telecommunications
Access Services Cell
Sanchar Bhawan, 20 Ashoka Road, New Delhi – 110 001**

File No. 800-29/2010-VAS

Dated: 08.12.2014

To,

M/s. Airtel for Lucknow
M/s. Reliance for Bhopal
M/s. Idea for Delhi
M/s. Vodafone for Kolkata
M/s. BSNL for Bangalore

Subject: Proof of Concept (POC) for use of 'Aadhaar' e-KYC Service of Unique Identity Authority of India (UIDAI) for issuing mobile connections to subscribers.

It has been decided to carry out a POC for using e-KYC service of UIDAI for issuing mobile connections. In the e-KYC service, customer authorize UIDAI through Aadhaar authentication using biometric to provide his / her demographic data (name of the customer, name of father/ husband, address, date of birth, and gender) along with his/ her photograph (digitally signed and encrypted format) to Telecom Service Providers (TSPs). As per UIDAI, digitally signed electronic KYC data provided by UIDAI is machine

readable, making it possible for the TSPs to directly store it as the customer record in their database for purposes of mobile service.

2. For carrying out POC, following procedure is to be followed while issuing mobile connections using on line Aadhaar based biometric authentication:

- i. The Telecom Service Providers shall maintain the details including complete address and code of its all points of sale along with names and Aadhaar number of corresponding agents.
- ii. TSPs shall have capability of populating the details of Point of Sale (POS)/ agent in the Customer Application Form (CAF) format in respect to sl. No. 23, 24 & 25 along with POS name as required in the instructions issued vide letter No. 800-09/2012-VAS dated 09.08.2012, on the basis of demographic details of agent of POS received from UIDAI.
- iii. Customer desirous to purchase mobile connection shall visit to an authorized POS of TSPs and may carry their original Aadhaar Card or hardcopy of e-

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Aadhaar letter downloaded from UIDAI website,
which displays Aadhaar Number clearly.

- iv. On approaching of the customer desirous of seeking a mobile connection, authorized agent of point of sale shall online authorize UIDAI by way of biometric authentication using his / her finger(s) or iris to provide his / her demographic data (name, name of father / husband, complete address, date of birth / year of birth & gender, photograph) and UIDAI shall provide the same in a digitally signed and encrypted format along with Aadhaar Number to the TSP.
- v. After verification of the agent of POS on basis of his / her demographic details received by TSP from UIDAI, a CAF as prescribed under instructions dated 09.08.2012 shall get displayed by TSP on the terminal of POS and details of point of sale / agent as require in the prescribed CAF format shall get populated by TSP in read only and un-readable form. In addition, the Aadhaar Number of agent of POS shall also be populated in CAF in read only and un-editable form.

- vi. Until and unless the agent of POS is authenticated through UIDAI as above, no CAF shall get displayed on the screen of concerned POS.
- vii. In the similar manner / fashion, the customer shall also online authorize UIDAI to provide his / her demographic data (name, name of father/ husband, complete address, date of birth/ year of birth & gender, photograph) and UIDAI shall provide the same in a digitally signed and encrypted format along with Aadhaar Number to the TSP.
- viii. The demographic details of customer received from UIDAI shall automatically get populated by the TSP in read only and un-readable format on the already displayed CAF Format on POS terminal, as required in the CAF format in instructions dated 09.08.2012.
- ix. Rest of the information needed for prescribed CAF should be entered by authorized agent at POS.
- x. For every biometric / iris authentication (customer and POS's agent), UIDAI will give a unique response code with date & time stamp. All the response codes along with date & time stamp received during the process

should also be automatically captured in the CAF and shall also be stored in database of TSP.

- xi. After completion of all the entries in the CAF, a printout of the CAF shall be taken for signature and other formalities by the customer & POS agent as required under instructions dated 09.08.2012. A unique serial number shall also be assigned automatically to each CAF by the TSP which will also be stored in database apart from reflecting on each printed CAF.
- xii. Only after the completion of above steps, the CAF details so captured on terminal may be submitted online to TSP for updating the database of TSP.
- xiii. The signed CAF shall be stored physically by TSP for any future requirements of DoT and LEAs.
- xiv. The CAF for next connection shall be opened only after process for one connection is completed and CAF displayed at the terminal of POS is closed by the agent. The agent should not be able to open the CAF once completed, closed and submitted.

xv. Whenever the biometrics of customer is captured at POS, an acknowledgment should be generated automatically by the TSP having uniquely numbered acknowledgment receipt and provided to the customer as under:

a. In successful cases (wherein connection is finally provided to the customer), acknowledgment receipt shall contain the name of customer, date of birth, father's / husband's name, address of customer, gender, mobile number allotted, unique CAF number, UID Number & name of POS's agent, address of POS, date & time stamp of capturing of customer' biometrics, acknowledgment receipt number, authentication status as success and Response Code received from UIDAI.

b. In failure cases (where connection could not be provided due to any reason), acknowledgment receipt shall contain only date & time stamp of capturing biometric of customer, UID Number & name of POS's agent, address of POS acknowledgment receipt number and

authentication status as fail and response code received from UIDAI.

c. Acknowledgment receipt number shall be updated in the CAF and database in successful cases.

d. The TSP shall preserve the logs of authentication activity containing date & time stamp of capturing biometric of customer, POS details, and authentication status (fail / success) for audit trail.

3. The finger print / iris data of customer / subscriber and POS's agent will nowhere be stored and displayed on the PoS device terminal in any format by TSP or its authorized POS.

4. The demographic data received from UIDAI should be stored directly by the TSP in its database as per the format defined in prevailing guidelines. The digitally signed e-KYC response received from UIDAI must be stored as-is for audit purposes as per existing guidelines for CAF storage and should not be edited / altered / changed/ modified/ overridden by the TSP under any circumstance.

5. TSP should ensure that the POS application shall not have capability to access local file system of the device for either read or write with exception to only read access to device drivers and all process data should be accessed from TSP's Server only. TSP should ensure that the POS software application integrates with suitable STQC certified biometric devices (as suggested by UIDAI), safeguards security of process data and is accessible only to authorized users. The application should nowhere store any data including biometric information and should be compliant with Aadhaar e-KYC and Authentication service and Application Program Interface (API) specifications.

6. Only one mobile connection should be provided against one set of authentications of customer & POS agent from UIDAI. For another mobile connection, subject to ceiling regarding bulk connections provided in instructions dated 09.08.2012, the entire process as above shall be repeated.

7. In practice, One POS may cater to multiple TSPs. This aspect should be suitably kept in view.

8. The TSP shall use appropriate encryption regime to ensure security of data-in-transit (from UIDAI server to TSP

data base), besides security of data-at-rest (at POS & TSP nodes).

9. For ensuring privacy / data security requirement, TSP shall use suitable mechanism / IT infrastructure at POS & TSP nodes which need to be regular vetted by TSP.

10. The application across all TSPs has to be same and hence POC shall focus on this aspect also.

11. During POC, the volume of simultaneous session for biometric authentications from UIDAI server will be bare minimum. Hence, UIDAI has to ensure that in live system there is no delay in fetching demographic data based only on biometric authentication. However, there shall be an authentication time out of 30 second for every biometric authentication transaction. If no response is received within the timeout period, active transaction may be closed and the data captured in that transaction should be purged permanently.

12. During POC process, logs / access to all transactions done with UIDAI server and respective server / system shall be provided by TSPs. If DoT or LEAs require further visibility

into Central Identity Repository (CIDR) data then necessary cooperation shall be ensured by UIDAI.

13. This proof of concept shall not be applicable for bulk, outstation and foreign customers.

14. These instructions are being issued for the purpose of carrying out proof of concept only. The verification process for issuance of mobile connection shall continue as per instructions dated 09.08.2012. The proof of concept shall have no impact whatsoever on any process including CAF verification, CAF audit or imposition of penalty. For the same set of customers, both the processes (one normal process which is in force at present and second proof of concept as above) shall take place in parallel. The purpose of proof of concept is to only understand the e-KYC process of UIDAI.

15. The proof of concept shall take place for a period of six weeks under the overall supervision of TERMS Wing DoT HQ.

Sd/-
(Prashant Verma)
ADET (AS-II)

Copy to:

- i. Secretary, Deptt of Electronics & IT, New Delhi
- ii. DG & Mission Director, UIDAI, New Delhi with a request to depute a representative for validation

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- iii. Secretary, TRAI, New Delhi
 - iv. Sr. DDG (TERM), DoT HQ, New Delhi
 - v. JS (IS-I), MHA, New Delhi with a request to depute a representative for validation
 - vi. All Directors of AS Cell, DoT HQ
 - vii. COAI/ AUSPI

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ANNEXURE A-5

Government of India
Ministry of Communications & IT
Department of Telecommunications
(AS Cell)
Sanchar Bhawan, 20 Ashoka Road, New Delhi – 110 001

File No. 800-09/2010-VAS
29.12.2014

Dated:

All CMTS /UAS/UL (AS) / UL Licensee(s)

Subject: Collecting Aadhaar numbers alongwith Applicatio Form (CAF) of mobile telephone applications and storing the same in the database alongwith other data by telecom service operators.

Ref 1: Apex Advisory Council for Telecom in India letter dated 11.11.2014.

Ref 2: This office letter of even number dated 16.10.2014

Vide this office letter dated 16.10.2014, instruction were issued by the office to all the Telecom Access Service Providers for collecting Aadhaar numbers alongwith Customer Application Form (CAF) of mobile telephones and storing the same in the database alongwith other data by telecom service operators. The Apex Advisory Council (ACT) of India vide letter dated 11.11.2014 had sought certain clarifications from this office on the letter dated 16.10.2014. After considering the letter of ACT, comprehensive instructions, including the provisions

contained in this office letter dated 16.10.2014, are provided in the following paragraphs. These instructions shall be applicable from 16.10.2014 when first letter was issued.

2. 'Aadhaar Number' of the subscriber desirous of taking new mobile connection shall be captured by Telecom Access Service Providers in the CAF format, enclosed with the instructions issued vide letter No. 800-09/2010-VAS dated 09.08.2012, on the top, below the field "Unique Customer Application Form (CAF) No" and above the field "Type of Connection". Wherever 'Aadhaar Number' is not available, it shall be mentioned as "Not available". It will be applicable in all cases irrespective of the fact that mobile connection is taken the subscriber either by providing Aadhaar Card or any other document as proof of identity and proof of address.

3. The Telecom Access Service Providers should get the CAF format amended as above and replace all the inventory of existing CAF in their supply chain with the amended CAF. It shall be done within a maximum time period of 3 months from the issue of instructions dated 16.10.2014. In the meantime, they shall capture the Aadhaar Number either

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handwritten on top of their CAFs or of existing field, if any for UID number in middle of the form. In the amended CAF, the existing field number 17 shall be amended to 'PAN/GIR number' in the CAF format enclosed with this office instructions dated 09.08.2012.

4. In the cases when mobile connection is taken by customer furnishing his Aadhaar Card as proof of identity and / or proof of address, question of incorrect entry of Aadhaar number in the database of the Telecom Access Service Providers does not arise. In other cases also i.e. when mobile connection is taken by customer by furnishing documents other than his Aadhaar Card as proof of identity or proof of address, Telecom Access Service Providers should make their best efforts to collect and enter correct Aadhaar number in their database. However, if incorrect Aadhaar number is furnished by the customer itself, the Telecom Access Service Providers will not be held responsible in such cases and no case of imposition of penalty on them will be justified.

5. These instructions shall be applicable prospectively w.e.f. 16.10.2014. These instructions are also applicable in J & K, Assam and NE Service Areas.

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6. The Telecom Access Service Providers immediately start entering the Aadhaar number in the existing field at sl. No. 14 in the format of database enclosed with the instructions dated 09.08.2012. The Aadhaar number of connections issued from the issue of instructions dated 16.10.2014 till date should also be entered immediately in their database, if left due to whatsoever reason, within a time period of 7 days.

Sd/-
(P.C. Sharma)
Director (AS-II)

Copy to:

1. Sr. DDG (TERM), DoT, New Delhi
2. All DDGs TERM
3. DDG (LF-I)/ DDG (LF-II)/ DDG(A/C), DOT, New Delhi
4. Director(AS-I)/Director(AS-III)/Director(AS-IV) Director (AS-V), DoT
5. COAI/ AUSPI

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ANNEXURE -6

ACT

Apex Advisory Council for Telecom in India
14, Bhai Veer Singh Marg, New Delhi 110 001

Tel: +9111 23349275

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e-mail act@coai.in

ACT/2015/041

May 11, 2015

Shri S.S. Sirohi
Member (T)
Department of Telecommunications
Ministry of Communications & IT
Sanchar Bhawan,
20 Ashoka Road,
New Delhi – 110 001

**Subject: Proof of concept (POC) for use of 'Aadhaar' e-KYC
service of Unique Identity Authority of India (UIDAI) for
issuing mobile connections to subscribers**

Reference: DoT's instructions vide letter No. 800-29/2010
dated 8th December, 2014

Dear Sir,

1. At the outset, we would like to thank you for giving us the opportunity to provide our feedback on the pilot / proof of concept carried out by our member operators for verification of mobile subscribers using Aadhaar.

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2. We firmly believe that adoption of this process will make the subscriber verification process extremely robust and effective. We also believe that adoption of this process will be welcomed by all – the consumers, the service providers and also the TERM Cells, and LEAs on account of it being simple, cost effective, convenient and resulting in to high levels of compliance.
3. As you are aware, the POC has been carried out by nominated operators in selected cities. We would like to report back to you the findings of the POC which are most encouraging and indicate that this e-KYC process is beneficial to all the stakeholders and will be a major step forward, in leveraging the available ICT infrastructure that is used in facilitating subscriber verification methods that can be quickly scaled up and be adopted for use in the entire country in consonance with "Digital India".

Feedback on Pilots

4. The POC was carried out for a six week period commencing in the last week of Feb, 2015 / early March 2015 and upto 20th April, 2015 by Bharti Airtel, India, Reliance. Reliance Jio and Vodafone in

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Lucknow, Delhi, Bhopal, Mumbai and Kolkata respectively. The consolidated outcomes of pilots by these operators is given below.

5. This POC was carried out in over 107 Point of Sale (PoS) locations and during this period, we have seen over 5748 mobile connections being activated for customer who have got themselves verified using Aadhaar's biometric authentication process for KYC details.
6. Total number of success and failure transactions recorded during the POC period at all different cities was 8629 and 1439 respectively. This shows a very high success rate of approx 88.4%.
7. The operators deployed both technologies i.e. IRIS scan as well as fingerprint for biometric authentication of the subscriber. While testing the same, the internet connectivity used was through wireline (leased line / DSL), wireless, (2G/ 3G SIMs). Response time from UIDAI servers to get back the KYC details of the subscriber was very quick. This worked very well in both wired and wireless environment. There were no glitches

observed during the transactions, which shows that the UIDAI server is very robust.

8. Adequate publicity was given to the POC through press release in regional dailies, outdoor and in-store communication so that there was general awareness created in these cities. Further, in order to attract customers to undergo an additional Aadhaar based e-KYC, authentication some customer incentives were also given apart from retailer level incentives so that the whole activity could be pushed in order to carry out a robust pilot over an optimum sample.
9. At the POS level, the DoT instructions required the store agent to biometrically authenticate himself each time any subscriber came for issuance of a SIM card, however, this was felt to be a cumbersome process and it was felt that once an agent at the POS is registered by logging into the application, biometric authentication of the agent is not needed for each transaction – as this leads to increase in processing time for each subscriber.

Feedback from Subscribers and Retailers

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10. Subscribers opting for the Aadhaar authentication process appreciated the same and were encouraged that this process was very secure and there would be no misuse of any documents in future by the trade. Similarly, the retailers were also appreciative of the simplicity, speed and convenience of the entire transaction.

11. However, many subscribers did not appreciate having to follow two parallel processes i.e. the existing (as-is) as well as the Aadhaar authentication process as they found it cumbersome. Even retailers and agents felt that filling of separate CAF other than CAF generated by using Aadhaar e-KYC service was not required as it increased their work.

12. It was explained to them, that the parallel process was only for the period of the pilot and in order to assess the effectiveness of the pilot.

TERM Cell & LEA Feedback

13. TERM Cells have extensively monitored the whole process and visited mobile POS locations on different days during POC period and have checked both the process & systems thoroughly. They have had

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multiple rounds of discussions with TSPs on the process and the security aspects and have given a go ahead only after verifying all parameters including technical aspects.

14. As per our discussions and inputs from TERM Cells, the following should be included to improve the process further and make it more robust:

- a. Dedicated hardware support for IRIS to minimize the time taken for completion of agent / subscriber authentication process.
- b. More than one person at each point of sale should be authorized to increase scale and speed of verifying subscribers.
- c. Possibility of getting information on the number of individual connections / multiple connections (>9) across all operators from the UIDAI database to the security agencies may be explored by DoT with UIDAI.

15. **Interaction with LEAs:** The TSPs have also given demonstration of the POC to different LEA representatives in different states. The LEAs have appreciated the efforts behind the POC and have

said this is very positive step being taken by the DoT and industry for better subscriber verification as it validates the identity of both the agent as well as the customer, which are verified through a biometric authentication process with UIDAI's Aadhaar based e-KYC.

Audit Process

16. With the rollout of the Aadhaar e-KYC process, the current methodology for audits which are manpower intensive and time consuming will be significantly improved and efficiently conducted. The existing process can be totally done away with especially for the connections taken using Aadhaar based e-KYC activation process.
17. TERM Cells can access the database of the operator by looking into the system logs generated by UIDAI – there is end to end audit trail available to check that the record is unedited.
18. CAFs generated are stored in electronic format (pdf) and can be accessed easily by TERM Cells –

there will be no requirement of giving printed copies to TERM Cells thereby leading to savings in terms of paper cost, manpower cost, time saving, storage etc. These will be accessible 24 x 7 basis as no records need to be collected from TSP – the online access to this database will be provided to TERM Cells / LEAs.

19. Quality of customer records will be highly accurate and consistent – customer who has gone through Aadhaar e-KYC will have single record for multiple connections she/he may take. There will be no variations in the manner in which his name / address is appearing.
20. With stabilization of the process and high accuracy in customer records, it will be seen that there may not even be any need for regular audits as compliance percentage will be very high (99.99%) once the entire customer base having Aadhaar are verified through this process.
21. Audits can be made paperless & electronic with this process which will benefit all the TERM Cells, LEAs as well as the industry.

Benefits

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- a. The subscriber verification process significantly improved with Aadhaar based online biometric authentication helping ensure traceability & thus meet the requirements of National security.
- b. Paperless process will obviate the need for photocopied documents and thus curbing misuse of photocopied proofs. It will also be a better option for rural areas with erratic or no power supply.
- c. There will be no need for de-duping or a need to restrict connection to <9 as only genuine subscribers will be authenticated.
- d. Since the required documents are electronically generated, enabled and stored, it will allow instant access & visibility to TERM / LEAs and thus would enable faster tracking of required subscribers.
- e. Will help all stakeholders over a period of time which can be used for implementing the hardware and software for new ecosystem. Will ensure saving of

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paper, customer convenience of hassle free instant activation.

- f. Will help facilitate digital inclusion as Aadhaar penetration increases rapidly.
- g. The infrastructure installed for paperless activation procedure can also be used in future for providing fillip to a variety of Government schemes, such as the DBT scheme for bringing inclusivity.

Recommendations:

22. This process has been tested through the Aadhaar e-KYC during the POC. It has given very encouraging results as can be seen from the findings that have been shared by the different operators in different cities where this was carried out. In order to get this rolled out at a country-wide level, we make the following recommendations.

- a. **Public Awareness:** Aadhaar e-KYC may be made an end to end paperless activation process truly in line with "Digital India". The DoT should create public awareness to encourage the citizens to use

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this process, through a press release / advertisement.

- b. **Alternate Process:** Aadhaar e-KYC process will run as an alternate process to the existing process – this can be immediately launched. Operators and industry can develop different business models as they scale up and expand the process across different parts of country – this will lead to development of the whole eco system around this.
- c. **Incentives:** There is a need for incentivizing the Aadhaar e-KYC process for better compliance – customers will go for this process if they see benefit of instant activation without any document submission, signatures, tele-verification, etc. vis-à-vis activation which is going to happen in normal course i.e. may be in excess of 4 hrs upto 48-72 hrs. Accordingly, once biometric authentication is successful customer should be given an activated SIM Card.
- d. **Inclusion of Outstation Customers:** Outstation customers should be included in the scope since Aadhaar is a centralized repository and customer

authentication is already being carried out. Customer should provide local address of his stay. This would make far better mechanism than following existing process.

- e. There should not be any need for customer signature on CAF. Customer's signature as a consent to agreeing to the terms and conditions for availing the service can be taken through WAP link after activation of SIM which customer can click at the POS outlet/ subsequently for final activation of the SIM card (i.e. unbarring of services). It is understood that the person filing Income Tax Returns need not submit the hard copy of the return ITR Form to CPC once he is verified and authenticated through Aadhaar via OTP sent on this person's mobile number – this kind of consent capture may also be examined.
- f. Accuracy & speed can be increased significantly if the agent at POS entering the details (Mobile No. ...IMSI, SIM No. ...etc.) can read these details through a bar code scanner which will remove errors in data entry as well as save time.

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g. **Paperless Process:** As mentioned above, process should be made fully paperless and electronic. This would help all stakeholders save costs on CAF printing, collection, storage and retrieval for audits. Further, other processes like tele-verification, employee verification which will become irrelevant, should be dispensed with in case of Aadhaar based activations. These will help further simplifying the process. We believe that without making this process completely paperless, the full benefits of running this process will not accrue to the operators or the customers. We therefore, request that a fully paperless process be adopted for Aadhaar based subscriber verification and requisite amendments to the existing subscriber verification instructions to be issued.

h. We believe that this process will greatly help the TERM Cells and LEAs who can get authentic customer level data instantaneously which will streamline the audit process and their operational requirements on a 24 x 7 basis.

i. We would urge DoT to implement the use of Aadhaar e-KYC service of UIDAI for issuing mobile

connection to subscribers on permanent basis with immediate effect

- j. We would also request DoT to do away with current subscriber verification process prescribed in August 9, 2012 guidelines and related CAF audit process for the subscribers acquired through the e-KYC mode.

23. We earnestly hope that our above recommendations will be considered favourably by DoT and we look forward to these being accepted to enable an early launch of the process across the country. We believe that UIDAI has the target of generating 100 crore Aadhaar numbers by end of 2015. This would be a sizeable number to make this e-KYC process mandatory for acquiring a new mobile connection. In order to get faster adoption of this Aadhaar based e-KYC process, countrywide by the entire industry, we believe that DoT also needs to indicate a target date, say March 2016, to mandate this e-KYC process and do away with the earlier activation process. This will give time to the industry to scale up the process at an all India level as well as

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give prospective customers adequate time to get
their Aadhaar.

We request DoT to schedule a meeting with participation of
all stakeholders so that the future roadmap in this regard
may be drawn up at the earliest.

Regards,

Sd/-

RAJAN S. MATHEWS
Director General - COAI

Sd/-

ASHOK SUD
Secretary General - AUSPI

CC:

Shri P.K. Mittal, DDG (AS-I), DoT.

Shri G. Narendra Nath DDG (Security/AS-II), DoT,

Shri Rajiv Sinha, DDG (TERM -I) DoT.

(TRUE COPY)

ACT

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ACT/2015/026

September 04, 2015

Shri Anurag Jain
Jt. Secretary
PM's Office
152, South Block
Raisina Hill,
New Delhi – 110 011

**Subject: Allowing 'Aadhaar' based biometric e-KYC for
paperless activities of telephone connections**

Dear Sir,

1. This is with reference to our meeting with PMO on February 18, 2015, on Digitization of the Mobile Subscriber Verification Process' in line with the present resolve of the Government of India around Digitizing India which will help revolutionise the manner in which governance and service delivery can be taken to the common man. As a follow up of the same meeting we are writing this to you with a request to enable "getting telephone connection without any paper work after Aadhaar based biometric verification". We

believe that in addition to making the process, convenient for the subscribers, this will also address the security concerns comprehensively, will bring huge operational efficiencies and also promote the digital India drive.

2. In this regard, we are happy to inform you that the findings of the POC (Proof of Concept) as prescribed in the DoT instructions vide letter No. 800-29/2010-VAS dated December 8, 2014, for Aadhaar based subscriber verification has been found to be very encouraging. Officials from DoT, TERM Cells and Security agencies also participated in the POC and oversaw the entire process and they appreciated the process. Copy of the report submitted to DoT after completion of the POC which details out the findings as well as the recommendations is enclosed for ready reference (Refer Annexure -1).
3. The mobile telecom services sector is expected to and is playing a critical role in bringing internet to the masses. With over 975 million subscribers which is constantly growing and the highly affordable services, this has provided a unique opportunity wherein a vast

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majority of Indians will get access to the internet through mobile phones instead of traditional modes like the PC and laptop. So, it is imperative that the Government creates an enabling environment in order to ensure that the identity of the person is linked to the mobile number that he/ she uses. This can be easily enabled through the Aadhaar based e-KYC services which can authenticate the citizen's identity biometrically and link the mobile number subscribed or continuity of same mobile number, national portability is already in place.

4. We would further like to mention that in order to reap the full benefits of the Aadhaar e-KYC process, the whole process must be made paperless and electronic thereby helping all stakeholders – the customers, the Government including the security agencies and the industry.
5. The key benefits of this Aadhaar based e-KYC subscriber verification process are enlisted below:
 - a. **Security Compliance:** New telephone connections would be activated only after biometric/iris authentication so the actual user of the

phone will always be identified and can be known accurately. It provides full remedy to the present problem of fraudulent elements getting telephone connections on forged/ fake documents. Biometric/ iris based verification system will provide fool proof method to eliminate the fraudulent activations.

b. **Customer Convenience:** It provides great convenience to the customers who will get the connection activated instantly by using Aadhaar based biometric unlike the present system where customer needs to provide proof of identity/ proof of address document copies, fill forms and then wait for tele-verification etc. Also, it will allay the fear of customers that the documents they give today may be misused by unscrupulous elements in the channel.

c. **Efficient process:** e-KYC based activation process will bring process efficiency. This will also help in creating and supporting the mammoth infrastructure otherwise required for connecting millions of verified citizens acquired after Aadhaar based activation.

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d. **Environment friendly and futuristic:** e-KYC based verification will be environment friendly by removing the usage of billions of sheets of papers used in the process presently. It will save lakhs of trees year on year and reduce the waste considerably. This will be a major step as telecom sector's contribution to an environment friendly green initiative in terms of reduction in paper thereby saving trees.

We request your intervention and support in allowing the paperless telephone connections based on biometric/ iris verification of the customers using Aadhaar based e-KYC. This will give a big boost to the Digital India mission of the Government of India apart from providing huge convenience to the customers, saving lakhs of trees and addressing the extremely important issue of national security.

On behalf of the industry, ACT eagerly looks forward to an early implementation of the Aadhaar based e-KYC for subscriber verification for new telephone connections.

Regards,

Sd/-

Rajan S. Mathews

Director General – COAI

Sd/-

Ashok SUD

Secretary General – AUSPI

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Cc:

Shri Ravi Shankar Prasad, Hon'ble Moc & IT, GOI
Shri Rakesh Garg, Chairman TC & Secretary (T)

A joint industry initiative supported by:
COAI

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IN THE SUPREME COURT OF INDIA

ORIGINAL JURISDICTION

I.A. NO. _____ OF 2013

IN

WRIT PETITION (CIVIL) NO. 494 OF 2012

IN THE MATTER OF:

Justice K.S. Puttaswamy (Retd) & Anr. ...Petitioner

Versus

Union of India & Ors.

...Respondents

AND

IN THE MATTER OF:

Dr. Rajendra Sadanad Burma & Anr....Applicants

Versus

Union of India & Ors.

...Non-Applicants

With

I.A.NO. _____ of 2013
Application for directions

I.A.NO. _____ of 2013
Application for impleadment

PAPER BOOK

(FOR INDEX KINDLY SEE INSIDE)

ADVOCATE FOR THE APPLICANTS: MR. GARVESH KABRA